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P.L.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/465,440	12/16/99	CHRISTOPHER	J 1280-0001
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QM32/0621

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EXAMINER

RICCI, J

ART UNIT

PAPER NUMBER

3712

DATE MAILED:

06/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/465,440

Applicant(s)

Christopher et al.

Examiner

John Ricci

Group Art Unit

3712



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-12, 16-20 is/are allowed.

☒ Claim(s) 13-15, 21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 16, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3712

This application does not include a claim 13; accordingly, claims 14-22 have been renumbered 13-21 (Rule 121). Since original claims 14-16 (now 13-15) depend from a non-existent claim, these could not be examined.

* * * * *

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the infrared sensor, optical sensor, microprocessor, and display (claims 7-10, 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 16, there is no antecedent for the "drive cone".

Claims 1-12, & 16-20 are allowed.

The prior art does not disclose a paintball loader comprising a container for paintballs; a motorized drive cone in the container, having a top surface that slopes down from a center axis, the drive cone having fins with a gap therebetween to accommodate a paint ball; an exit tube; and a catch arm above the fins and approximately equal to the radius of a paint ball.

Art Unit: 3712

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references show ball feeders with a rotary driver.

* * * * *

This letter was prepared by Examiner John Ricci, who can be reached at the appropriate phone number:

Voice: 703-308-4751

Fax: Use 703-305-3579 for papers that can be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers that need to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.

My supervisor is Jacob Ackun, 703-308-3867.

PTO main switchboard: 800-786-9199.

Visit our Web site at www.uspto.gov.



**JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3712**

Interim Drawing Procedures

Dates: Feb. 23, 2000 through Nov. 28, 2000

Applications are delivered to the TC's from OIPE and are directed to the art unit without the draftsperson's review.

On first action (non-allowance):

The examiner should review drawings for content only (the sections of rules 1.83 and 1.84 that require examiner consideration). Any deficiency in the drawings should be noted by the examiner in the examiner's Office action via the *Office Action Summary form PTO-326* and current form paragraphs. (The examiner is not required to inform applicant of the status of the drawings as being *formal* or *informal*.)

On subsequent actions (non-allowance):

The examiner should check for any new drawing submissions that have been filed since the examiner's last Office action.

If applicant submits what applicant believes to be formal drawings, as noted on applicant's transmittal letter or in their remarks, the examiner merely acknowledges receipt of the submission in the examiner's Office action.

On drawing corrections, the examiner should review the content and determine if the changes made satisfy any earlier requirements noted by the examiner. If so, the examiner should notify applicant via the *Office Action Summary form PTO-326*.

On allowance:

The examiner should consider any earlier requirements made in previous Office actions. If not yet corrected the examiner should include in the NOA the requirement for correction.

Further, the examiner should determine if the drawing submission(s) by applicant have been indicated by applicant as formal or not. This can usually be determined by checking applicant's transmittal letter or in applicant's remarks.

If indicated by applicant as informal or appear informal – the examiner should require formal drawings in NOA.

If indicated as formal or appear to be formal (and no obvious problems) the examiner should indicate in the NOA as formal.

If the examiner is unsure as to the formal/informal status, the examiner should check with the draftsperson.

If the examiner believes there are obvious problems on formal drawing, the examiner should check with the draftsperson. If the draftsperson concurs, the draftsperson will complete a Form PTO- 948. The examiner should include the 948 as a requirement for correction in the NOA.

There is no longer a requirement for a draftsman approved stamp on the drawings. The classification data will be taken from the file wrapper.